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MICHAEL KAHL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Case No. CR 18-00172 BLF

**DEFENDANT'S STATEMENT RE
GOVERNMENT'S MOTION IN LIMINE
NO. 1 TO EXCLUDE EVIDENCE NOT
YET PRODUCED**

Pretrial Conference: January 14, 2021
Time: 1:30 p.m.
Dept: Courtroom 3
Judge: Hon. Beth L. Freeman

Trial Date: February 22, 2021

19 The government has moved to exclude any case-in-chief evidence not disclosed by Mr.
20 Kail pursuant to Rule 16 as of the date of the motion filing. Mr. Kail has no quarrel with Rule 16
21 and will continue to provide any documents or evidence obtained in the course of investigation
22 leading up to or during trial. He expects the government to do the same as it interviews and
23 prepares its witnesses.

24 Specifically, Mr. Kail has repeatedly identified missing discovery and accordingly received
25 the government's response or production, but expects the government to continue to disclose all
26 Rule 16 evidence in its possession, as well as all materials which are discoverable pursuant to
27 other statutes and case law, in particular, *Brady v. Maryland*, 473 U.S. 667 (1985), *Giglio v.*

STATEMENT RE GOVERNMENT'S MIL #1, CASE CR 18-0172 BLF

1 *United States*, 405 U.S. 150 (1972), and the *Jencks Act* (18 U.S.C. § 3500). Mr. Kail has also
2 moved to compel disclosure of grand jury materials (Dkt. 79).

3 Finally, Mr. Kail has reserved his right to supplement his exhibit and witness list
4 exchanged on October 22, 2020.

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6 Dated: January 7, 2021

Respectfully submitted,

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8 JAYNE LAW GROUP, P.C.

9 By: /s/ Julia Jayne
10 Julia Jayne
11 Attorneys for MICHAEL KAIL

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